

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2376

BEN HOWARD SMITH,

Plaintiff - Appellant,

v.

BOB ATKINSON; LINDA G. WALTERS,

Defendants - Appellees,

and

PERCY B. HARVIN; L. KEITH JOSEY, JR.; RONNIE STEWART, all
in their individual and official capacity; JOSEPH K. COFFY,

Defendants.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Richard Mark Gergel, District
Judge. (2:08-cv-00201-RMG-BM)

Submitted: May 19, 2011

Decided: May 23, 2011

Before TRAXLER, Chief Judge, and AGEE and KEENAN, Circuit
Judges.

Dismissed by unpublished per curiam opinion.

Ben Howard Smith, Appellant Pro Se. Kelly M. Jolley, MCNAIR LAW
FIRM, PA, Hilton Head, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ben Howard Smith appeals the district court's order dismissing two defendants in his civil rights action. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order Smith seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED